

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF NEW YORK

UNITED STATES OF AMERICA

v.

ANDREW EDICK,

Defendant.

U.S. DISTRICT COURT – N.D. OF N.Y.

FILED

May 9 - 2024

John M. Domurad, Clerk

) Criminal No. 5:24-cr-00234 (DNH)

) **Indictment**

) Violations: 18 U.S.C. § 2251(a)
) [Sexual Exploitation of a
) Child]

) 18 U.S.C. § 2260A
) [Felony Offense Involving a
) Minor by a Registered Sex
) Offender]

) 18 U.S.C. § 2252A(a)(1)
) [Transportation of Child
) Pornography]

) 18 U.S.C. § 2252A(a)(5)(B)
) [Possession of Child
) Pornography]

) 5 Counts & Forfeiture Allegation

) County of Offense: Herkimer

THE GRAND JURY CHARGES:

COUNT 1

[Sexual Exploitation of a Child]

In or about the summer of 2022, the exact date being unknown, but on or before August 23, 2022, in Herkimer County in the Northern District of New York, the defendant, **ANDREW EDICK**, did use a minor, to wit: V-1, a female child born in 2013 and whose identity is known to the grand jury, to engage in sexually explicit conduct for the purpose of producing a visual depiction of such conduct, where the visual depictions were produced using materials that had

been mailed, shipped, and transported in and affecting interstate and foreign commerce by any means, including by computer, in violation of Title 18, United States Code, Section 2251(a).

COUNT 2
[Sexual Exploitation of a Child]

On or about October 12, 2022, in Herkimer County in the Northern District of New York, the defendant, **ANDREW EDICK**, did use a minor, to wit: V-2, a female child born in 2009 and whose identity is known to the grand jury, to engage in sexually explicit conduct for the purpose of producing a visual depiction of such conduct, where the visual depictions were produced using materials that had been mailed, shipped, and transported in and affecting interstate and foreign commerce by any means, including by computer, in violation of Title 18, United States Code, Section 2251(a).

COUNT 3
[Felony Offense Involving a Minor by a Registered Sex Offender]

On or about the dates alleged in Counts 1-2, in Herkimer County in the Northern District of New York and elsewhere, the defendant, **ANDREW EDICK**, an individual required by New York State law to register as a sex offender, committed a felony offense involving a minor, that is Sexual Exploitation of a Child, a violation of Title 18, United States Code, Section 2251(a). All in violation of Title 18, United States Code, Section 2260A.

COUNT 4
[Transportation of Child Pornography]

On or about August 23, 2022, in Herkimer County in the Northern District of New York, the defendant, **ANDREW EDICK**, did knowingly transport child pornography using any means or facility of interstate or foreign commerce by any means, including by computer, in that the defendant used the Internet to transport one or more video files depicting a minor engaged in

sexually explicit conduct between social media accounts he maintained with Internet Service Provider Facebook, in violation of Title 18, United States Code, Section 2252A(a)(1).

COUNT 5
[Possession of Child Pornography]

On or about May 18, 2023, in Herkimer County in the Northern District of New York, the defendant, **ANDREW EDICK**, did knowingly possess material that contained one or more image or video files of child pornography that had been shipped and transported using a means and facility of interstate and foreign commerce, and in and affecting such commerce by any means, including by computer, and that was produced using materials that had been shipped and transported in and affecting such commerce by any means, including by computer, that is, a Samsung Galaxy A02s, model SM-S124DL, serial number R9PRA014X2J, manufactured outside the State of New York, which contained numerous graphic image and video files of minors engaged in sexually explicit conduct, in violation of Title 18, United States Code, Section 2252A(a)(5)(B).

PRIOR CONVICTION ALLEGATION

The defendant, **ANDREW EDICK**, has the following prior final conviction under the laws of the state of New York related to aggravated sexual abuse, sexual abuse, or abusive sexual conduct involving a minor:

On or about July 2, 2012, the defendant was convicted in Herkimer County Court, in Herkimer County, New York, of two counts of Sexual Misconduct, in violation of New York State Penal Law Section 130.20(1), which makes it unlawful to engage in sexual intercourse with another person without such person's consent, to wit, on June 14, 2011 and in August 2011, the defendant had sexual intercourse with a child under the age of 15, specifically a fourteen year old female. On July 2, 2012, the defendant was sentenced to two concurrent 6-year terms of probation.

By virtue of said prior conviction, the defendant is subject to the enhanced penalty provisions contained within Title 18, United States Code, Sections 2251(e), 2252A(b)(1), and 2252A(b)(2).

FORFEITURE ALLEGATION

The allegations contained in Counts 1, 2, 4, and 5 of this Indictment are hereby realleged and incorporated by reference herein for the purpose of alleging forfeiture pursuant to the provisions of Title 18, United States Code, Section 2253(a)(3).

Pursuant to Title 18, United States Code, Section 2253(a)(3), upon conviction of one or more of the offenses alleged in Counts 1, 2, 4, and 5, defendant, **ANDREW EDICK**, shall forfeit to the United States of America any property, real and personal, used and intended to be used to commit and to promote the commission of the offenses. The property subject to forfeiture includes, but is not limited to:

(a) A Samsung Galaxy A02s, model SM-S124DL, serial number R9PRA014X2J.

Dated: May 9, 2024


A TRUE BILL,


Grand Jury Foreperson

***Redacted Name

CARLA B. FREEDMAN
United States Attorney

By:


Benjamin S. Clark
Bar Roll No. 703519
Assistant United States Attorney